

**CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. §1.6)**

I hereby certify that this paper, together with all enclosures identified herein, are being transmitted via facsimile to Examiner Gulakowski at (571) 273-1302 on or before April 1, 2005.

4/1/05  
Date

William L. King III  
William L. King III

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Tonar et al.  
Examiner : P. Tucker  
Serial No. : 10/085,434  
Group Art Unit : 1712  
Confirmation No. : 4510  
Filed : February 28, 2002  
Attorney Docket No. : GEN-001323C3  
Title : ELECTROCHROMIC LAYER AND DEVICES  
COMPRISING SAME

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON****FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. §1.181**

Dear Sir:

This communication is in response to the Notice of Abandonment mailed February 8, 2005, directed to the above-identified application, which indicated that Applicant failed to timely file a proper response to the Office Action mailed June 2, 2004.

Applicant submits that the original Office Action mailed June 2, 2004, was never received. In particular, the undersigned herein attests that a search of the file jacket and docket records indicates that the original Office Action mailed June 2, 2004, was not received.

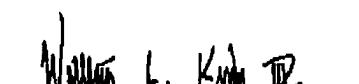
Applicant has attached a print out of the docket record for the above-identified file, indicating that no entry exists for the Office Action. For purposes of identification, the item identified as "A" is the serial number of the present case. The item identified as "B" is the case docket number. As can be seen by way of Item "C" no reply period exists in the docketing system because the Office Action, which includes allowed claims, was never received. The lack of any such data in this location indicates that the Office Action was not received.

In light of the foregoing, respectfully requests that the present holding of abandonment be withdrawn, without fee, and further respectfully requests reinstatement of the above-identified patent application in accordance with 37 C.F.R. §1.181.

Should anything further be required, a telephone call to the undersigned, at (616) 355-0400, is respectfully solicited.

Respectfully submitted,  
KING & JOVANOVIC, PLC

Dated: 4/1/05

  
William L. King III  
Reg. No. 46,830

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U.S. Patent Case (Record Locked to allow your updates)

Record ID: GEN-001323C3 Case Status: Pending

**Case Management**

Sr Atty: WLK Pri Atty: Admin:

B Case No: GEN-001323C3 Client ID: GEN

A App Serial No: 10/085,434 4510 Filing Date: 2/28/2002 Status: Pending

Title: Electrochromic Layer and Devices Comprising Same

Date Iss/Abn: Patent No: Patent Expiration Date:

Client Case: Auto 608 C3  Exp Date Adjusted

**Reminder List for this Case**

C Item Who Due Date

There are no Reminder Items for this Case

Priority Case: Priority Date: 4/1/2005 JNJ

Application Type

Provisional  Design  
 Utility  Plant  
 PCT 371  ReExam  
 Reissue

Law Offices  
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United States and International  
Intellectual Property Law

Chicago Office:  
180 North LaSalle Street, Suite 2108  
Chicago, Illinois 60601

**FACSIMILE TRANSMITTAL**

**DATE:** April 1, 2005

**Please deliver the following pages to:**

**NAME(s):** Examiner Gulakowski

**COMPANY:** USPTO

**Facsimile No.:** (571) 273-1302

**From:** William L. King III

**Total Number of Pages** 4 **including this cover sheet**

**Sending Operator:** RK

**Direct Line to Sender's Machine:** (616) 355-9862

**Operator's Telephone Number:** (616) 355-0400

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**REMARKS:** Dear Examiner Gulakowski, pursuant to our recent telephone conversation, enclosed please find a copy of the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action. If you would be so kind, please acknowledge receipt of this facsimile transmission via email at [wking@kj-ip.com](mailto:wking@kj-ip.com).

**Thank You, William L. King III**